

By: Mike Whiting, Cabinet Member for Education, Learning and Skills  
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To: County Council – 17 May 2012

Subject: Local Government Ombudsman's Report – Proposed Response

Classification: Unrestricted

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## **1. Introduction**

Members of the County Council will be aware a meeting took place on Friday 11 May between KCC senior officers and the Local Government Ombudsman with regard to the outstanding recommendations that are referred to on page 91 and 92 of the County Council agenda. The meeting was constructive and very useful in terms of identifying and discussing a pragmatic approach to implementing the recommendations made by the Ombudsman. Following the meeting, officers have drafted a proposed response to the Ombudsman, which is recommended to the Council for approval as follows:

## **2. Proposed Response**

### Testing

The County Council will investigate the principle of introducing a mechanism for re-testing in circumstances where a child has been placed at a significant disadvantage by a grave administrative error in the original testing process. In this regard, it is proposed that the headteacher-led review group already in place to conduct a review of the wider selection process be asked to consider the issue of errors in testing and the implications of re-testing and make recommendations accordingly. It is, however, essential that any re-tests that might be offered in the future must be both comparable and secure and also represent good value for money for the County Council and the schools concerned. It is therefore proposed that any recommendations resulting from the review be reported to a future Education Cabinet Committee before a decision is taken.

### Invigilator Training

The County Council has already addressed the matter of invigilator training and introduced a set of record sheets for invigilators. The Council will continue to keep the matter under review, to ensure that all invigilators are adequately trained to deal with untoward events in testing.

### Panel arrangements

The Head of Democratic Services will continue to maintain and, where necessary, enhance the level of resources for both internal and external training for panel members and clerks on an annual basis, to ensure that the clerking service offered by the County Council is effective and complies with the law and statutory guidance. In addition, the Ombudsman is invited to note that the Head of Democratic Services will continue to reserve the right to suspend and re-train and/or dismiss any panel

member or clerk if he is not satisfied with their performance, as well as continuing to advertise on a regular basis for new panel members and clerks so that new appointees are able to work alongside and shadow more experienced individuals before being given more responsibility, e.g. as a panel chairman or clerk.

With regard to decision letters, the Head of Democratic Services fully accepts that the content of the decision letters sent to parents must reflect the panels' decisions and the reasons for their decisions so that the decision letters can be owned by the Panel. A review of the number and content of standard decision letters has already been completed, which has resulted in there being fewer standard glossary letters and clerks are required to state on their decision record forms which lettered glossary letter should be used by the Democratic Services team to send to the parent. In addition, the panel clerk and panel chairman are required to include on the decision record form the precise reasons for the decision in respect of all of the cases they have considered, so in this way, the content of the decision letters are agreed with both the clerk and the chairman. Any apparent inconsistencies or omissions on the decision record forms are taken up by Democratic Services Officers directly with the relevant clerk before decision letters are sent out. The County Council wishes to express its gratitude to the Ombudsman for the opportunity of explaining the process for agreeing the content of decision letters and, on this basis, it is proposed that the continued use of the clerks' scanned electronic signatures is an efficient and appropriate method, particularly given the high number of appeals in Kent and the logistics of ensuring that decision letters are sent to parents in accordance with the timetable contained in the statutory appeals admissions code.

### **3. Recommendation**

The County Council is invited to consider and approve the proposed response to the Local Government Ombudsman as set out in section 2 above.

#### **Background Documents:**

Report to the County Council – 17 May 2012


Appendix 1 – Local Government Ombudsman's Report

Appendix 2 – Comments on the report from the Council's officers, sent to the Ombudsman in September 2011

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